

#11243

AGREEMENT

Made this 5th day of March 1996, by and between Red Caboose, Inc. t/a Prego, (the Applicant) and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailer's Class "B" license for premises, 210 7th Street S.E., ABC Application #11243, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailer's Class "B" Liquor License at the subject premises;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will not offer for sale single containers of beer (for consumption off the store's premises).

2. In consideration of, and reliance upon, the commitments reflected in paragraph 1, the ANC ~~will withdraw~~ ^{hereby withdraws} its opposition to applicant's pending license application. *ELLS*

3. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for

issuance of an order to show cause pursuant to 23 D.C.M.R.
1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto
their hands and seals.

APPLICANT

By: 

ADVISORY NEIGHBORHOOD COMMISSION 6B

By: 

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

Red Caboose, Inc.

t/a Prego

Application for a Retailer's

License Class B

at premises

210 7th Street, S.E.

Washington, D.C.

Case No. 11243-96030P

Gottlieb Simon, Acting Executive Secretary, on behalf of Advisory
Neighborhood Commission 6B, Protestant

Un Suk Choi, President, on behalf of Applicant

BEFORE: BARBARA L. SMITH, ESQUIRE, Chairperson;
DENNIS BASS, Member
MARY EVA CANDON, ESQUIRE, Member
JAMES C. JEFFERSON, Member
LAVERNE KING, Member
JAMES L. O'DEA, III, ESQUIRE, Member
DUANE WANG, Member

ORDER ON WITHDRAWN PROTEST

This matter, having been protested, came before the Board on February 7, 1996, in accordance with D.C. Code Section 25-115 (c)(5)(1995 Supp.), providing for remonstrants to be heard. Gottlieb Simon, Acting Executive Secretary, on behalf of the Advisory Neighborhood Commission 6B (hereinafter "ANC 6B") filed a timely section 14(b) protest by letter dated January 18, 1996.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestant has agreed to withdraw his protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

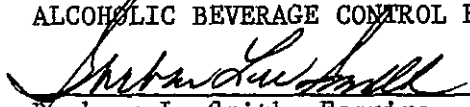
1/ See Agreement dated March 5, 1996.

Red Caboose, Inc.
t/a Prego
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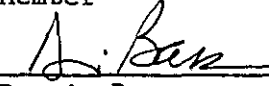
Accordingly, it is this 21st day of August 1996,
ORDERED that:


1. The opposition of Gottlieb Simon, Acting Executive Secretary, on behalf of ANC 6b, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced Agreement between the parties be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of Red Caboose, Inc. t/a Prego for a retailer's license class B - renewal at location 210 7th Street, S.E., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

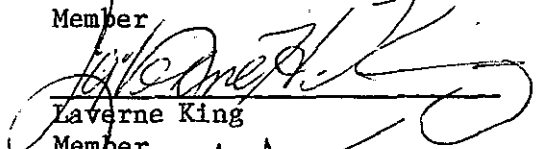
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

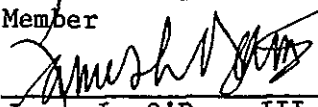

Barbara L. Smith, Esquire
Chairperson

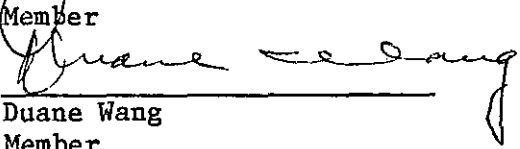
Mary Eva Candon, Esquire
Member


Dennis Bass
Member


James C. Jefferson,
Member


Laverne King
Member


James L. O'Dea, III, Esquire
Member


Duane Wang
Member